

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: MULTIPLAN HEALTH
INSURANCE PROVIDER LITIGATION

This Document Relates To:

ALL DIRECT ACTION PLAINTIFF
ACTIONS

Case No. 1:24-cv-06795
MDL No. 3121

Hon. Matthew F. Kennelly

CASE MANAGEMENT ORDER 20:
DISCOVERY BELLWETHER DAP SELECTION PROCESS
AND DISCOVERY BELLWETHER DAP CASES

1. In furtherance of the effective and efficient case management of the direct action plaintiff cases currently pending in this MDL and further direct action plaintiff cases that may be centralized in this MDL (collectively “DAP Cases”), this Case Management Order (“CMO”) shall govern the guidelines and procedures for selecting an initial set of individual DAPs (the “Discovery Bellwether DAPs”) for which case-specific discovery will be conducted.

Size of the Discovery Bellwether DAP Pool

2. The DAP EC and Defendants each shall identify no more than 18 individual eligible DAPs as Discovery Bellwether DAPs.

3. For the avoidance of doubt, each eligible DAP shall be counted individually toward the above limits. If a DAP filed a Short Form Complaint that named other DAPs, each DAP named in the Short Form Complaint shall be counted individually toward the above limits, and the selection as a discovery bellwether of any one DAP named in a Short Form Complaint does not mean the other DAPs named in the Short Form Complaint are selected as discovery bellwether DAPs.

4. If any DAP named in *Hill Country Emergency Medical Associates, P.A., et al v. MultiPlan, Inc., et al.*, No. 1:24-cv-11234 (N.D. Ill.) is selected as a Discovery Bellwether DAP, their party discovery obligations shall include providing and producing documents, data, information, and witnesses from Team Health Holdings Inc., AmeriTeam Services LLC, and Healthcare Financial Services LLC (collectively, “TeamHealth”) and any entity that directly participates in the administration, management, and/or operation of the Discovery Bellwether DAP, except to the extent such documents, data, information, or witnesses pertain solely to a TeamHealth affiliate other than the entity selected as a Discovery Bellwether DAP.

5. If any DAP affiliated with Sound Physicians is selected as a Discovery Bellwether DAP, their party discovery obligations shall include providing and producing documents, data, information, and witnesses from Sound Physicians (including Sound Inpatient Physicians, Inc.), except to the extent such documents, data, information, or witnesses pertain solely to a Sound Physicians affiliate other than the affiliate selected as a Discovery Bellwether DAP.

Eligibility for Selection as a Discovery Bellwether DAP

6. The pool of DAPs eligible for selection as a Discovery Bellwether DAP shall consist of each DAP that submitted a Plaintiff Fact Sheet and related discovery responses on or before September 16, 2025 and has not communicated to Defendants an intent to dismiss their claims as DAPs as of September 30, 2025.

7. Any DAP that, as September 30, 2025, has claims pending against any Defendant that was not a Defendant in one or more cases pending in the MDL as of July 30, 2025 shall not be eligible for selection as a Discovery Bellwether DAP.

Selection Timing and Process

8. At 5pm CT on the date that is 4 calendar days subsequent to the Court's entry of this Case Management Order or a like Case Management Order governing the selection of Discovery Bellwether DAPs (or on the following Monday, if such date falls on a Saturday or Sunday), the DAP EC and Defendants shall simultaneously exchange their initial selections of eligible DAPs as Discovery Bellwether DAPs.

9. In the event that the DAP EC and Defendants select overlapping DAPs as Discovery Bellwether DAPs in their initial selections, the parties shall select replacements from the pool of remaining eligible DAPs. If the number of overlaps is an even number, the DAP EC and Defendants shall each select one-half of the replacements, with the Defendants selecting first and the DAP EC and Defendants alternating selections thereafter until the total number of DAPs selected as DAP Discovery Bellwether Cases (including replacements) equals 36. If the number of overlaps is an odd number, the DAP EC and Defendants shall each select one-half of the replacements, with the Defendants selecting first and the DAP EC and Defendants alternating selections thereafter until the total number of DAPs selected as DAP Discovery Bellwether DAPs (including replacements) equals 37. The DAP EC and Defendants shall cooperate in good faith to complete the replacement selection process within three (3) calendar days of the initial exchange of selections.

Discovery and Pretrial Proceedings

10. Following selection of the Discovery Bellwether DAPs (including any replacements), Defendants and the DAP EC shall jointly submit a proposed order to the Court that identifies the cases selected by them as Discovery Bellwether DAPs. Those Discovery Bellwether DAPs shall proceed through the pre-trial schedule set forth in Case Management Order 17, up to and including the Court's determination on summary judgment motions. All issues related to trial

selection and trial sequencing, following a ruling on summary judgment, are preserved for later determination by the Court.

11. All proceedings, including discovery, initial disclosures, and Rule 12 deadlines, related to any DAP that is not eligible to be selected as a Discovery Bellwether DAP nor selected as a Discovery Bellwether DAP shall be stayed. Subject to paragraphs 4 and 5 above, no party discovery may be taken from any DAP that is not selected as a Discovery Bellwether DAP nor from any Defendant only named in cases filed by DAPs that are not selected as Discovery Bellwether DAPs, and requests for third-party discovery from such DAPs and Defendants are to be determined via a process of meet-and-confer followed by prompt submission to the Court for disputed issues.


12. If the Court does not grant summary judgment to Defendants or to the Discovery Bellwether DAPs on all claims asserted by the Discovery Bellwether DAPs, the parties (including Class Plaintiffs) will meet and confer within 14 days of the Court's summary judgment ruling regarding next steps as to the Discovery Bellwether DAPs and the non-Discovery Bellwether DAPs in light of the proceedings up to that point. The parties (including Class Plaintiffs) shall file a joint status report that shall not exceed 20 total pages (exclusive of signature blocks) within 21 days of the Court's summary judgment ruling that sets forth their proposal(s) on these matters. .

Post-Selection Dismissals

13. If the claims of a selected Discovery Bellwether DAP are dismissed by that DAP (with or without prejudice) prior to February 1, 2026, Defendants may select another eligible DAP as a replacement Discovery Bellwether DAP. If the claims of a selected Discovery Bellwether DAP are dismissed by that DAP on or subsequent to February 1, 2026, the parties shall meet and confer, consistent with the Court's statements and direction at the October 14, 2025 status conference and

present either an agreed proposal or competing proposals to the Court, with the consequence (if any) for such dismissal left to later prompt determination by the Court.

SO ORDERED this 23rd day of October, 2025.



Honorable Matthew F. Kennelly
United States District Judge